

Remarks

Reconsideration of the present application, as amended, is respectfully requested.

Of previously pending claims 1-20, all were rejected. Claims 1, 2, 4, 7, 8, 11, 12, 14, 17, and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,754,171, which issued June 22, 2004 to D.J. Bernier *et al.* Claims 3 and 13 were rejected under 35 U.S.C. §103(a) as being obvious over the previously cited Bernier patent in view of U.S. Patent No. 7,110,354, which issued September 19, 2006 to K.M. Nham. Claims 5, 6, 15, and 16 were rejected under 35 U.S.C. §103(a) as being obvious over Bernier *et al.* Claims 9, 10, 18, and 19 were rejected under 35 U.S.C. §103(a) as being obvious over Bernier *et al.* in view of U.S. Patent No. 5,113,152, which issued May 12, 1992 to H. Norimatsu.

In response, the applicants have amended claims 1, 9, 10, 11, 18 and 19; canceled claims 2, 3, 12, 13, 20, and added claim 21. Independent claim 1 has been amended to more specifically claim a “method of operating a line-card with transponder and a transceiver,” and to include the limitations of claims 2 and 3, which have been canceled. Independent claim 11 has been amended to include the limitations of claims 12 and 13, which also have been canceled. Claims 9, 10, 18 and 19 were amended to correct some typographical errors.

The applicants address the rejections with respect to independent claims 1 and 11. As amended, claim 1 recites a method of operating a line-card, the line-card including a transponder and transceiver. In rejecting the claim, the Examiner has apparently blurred the identification of the transponder and transceiver. This laxity in identification is more apparent in the rejection of apparatus claim 11 in which the Examiner stated:

Bernier et al. disclosed, regarding claim 11, an apparatus for operating a transceiver (see column 4, line 26, wherein the switch modules correspond to a transceiver) for an asynchronous data transmission standard to relay data in accordance with a synchronous data transmission standard (see column 4, lines 27 -33, wherein SONET/SDH correspond to a synchronous data transmission standard, ATM corresponds to an asynchronous data transmission standard), the apparatus comprising:

a transponder that receives a remotely transmitted signal formatted in accordance with the synchronous data transmission standard and recovers a clock signal from the remotely transmitted signal (see column 5, lines 10-16, column 6, lines 51-52);

a local clock source (see column 9, lines 1-4);
and a multiplexer (see column 5, lines 50-52, wherein the transmission clock multiplexers correspond to a multiplexer) that, in a first mode, directs the recovered clock signal to a clock input of the transceiver (see column 6, lines 51-56) and, in a second mode, directs output of the local clock source to the clock input (see column 9, lines 1-4);

If the Bernier switch modules are identified with the claimed transceivers, as the Examiner suggests, there appears to be a problem in logic. The preamble of the claim recites, “Apparatus for operating a transceiver...” followed by the elements of the claimed apparatus (which operates the transceiver). The elements cited by the Examiner as comprising the apparatus are elements of a network interface module, of which a plurality form a switch module, which the Examiner has identified as a transceiver. The applicants have been unable to identify a transponder from the citations above. Presumably a transponder is an element of the network interface modules 304, 306 shown in Fig. 3. The local clock 524 of Fig. 5 is an element of the network interface module 504, which is an element of a switch module. See, e.g., Fig. 2. The multiplexer 326 cited in Fig. 3 is an element of the network interface module 304, which is an element of a switch module. That is, the purported transponder, the local clock source, and the multiplexer are elements of a switch module. In effect, the Examiner is apparently claiming that the apparatus which operates a transceiver is the transceiver itself. This is not what the applicants claim as their invention. Claims 1 and 11 are not anticipated by the cited Bernier patent.

Furthermore, independent claims 1 and 11 have been amended to include limitations of “switching from said first mode to said second mode upon loss of said remotely transmitted signal or upon loss of recovered framing in said remotely transmitted signal,” (from claim 1) or “said multiplexer switching from said first mode to said second mode upon loss of said remotely transmitted signal and switching from said first mode to said second mode upon loss of recovered framing in said remotely transmitted signal (claim 11).” The Nham patent is cited as teaching a switch from the first mode to the second mode upon loss of recovered framing in the remotely transmitted signal. The applicants respectfully disagree since the Nham patent deals with the switching of working and protection channels in a 1+1 protection scheme, not the first and second modes as recited in claims. Claims 1 and 11 are not obvious over the cited Bernier and Nham patents.

Hence independent claims 1 and 11 should be allowed. Claims 4-10, 14-19 and new claim 21 should also be allowable for at least being dependent upon allowable base claims.

Therefore, in view of amendments above and the remarks directed thereto, the applicants request that all rejections be removed, that claims 1, 4-11, 14-19 and 21 be allowed and the case be passed to issue. If a telephone conference would in any way expedite the prosecution of the application, the Examiner is asked to call the undersigned at (408) 868-4088.

Respectfully submitted,

Aka Chan LLP

/Gary T. Aka/

Gary T. Aka
Reg. No. 29,038

Aka Chan LLP
900 Lafayette Street, Suite 710
Santa Clara, CA 95050
Tel: (408) 868-4088
Fax: (408) 608-1599
E-mail: gary@akachanlaw.com